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APPLE INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE APPLE iPOD iTUNES ANTI-TRUST LITIGATION	**Case No. C 05 00037 JW** **DECLARATION OF STEVEN LEUNG IN SUPPORT OF APPLE'S OPPOSITION TO MOTION TO COMPEL PRODUCTION OF DOCUMENTS "RELATING TO CLASS CERTIFICATION"** Date: January 16, 2008 Time: 9:30 a.m. Courtroom: 4, 5th Floor Judge: Magistrate Judge Richard Seeborg

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I, Steven Leung, hereby declare as follows:

1. I have been employed with Apple Inc. (Apple) since December 5, 1999. I presently hold the position of Senior Director, iTunes Finance. I submit this declaration in support of Apple's Opposition to Plaintiffs' Motion to Compel Production of "Documents Relating to Class Certification." I make the statements in this declaration based upon my personal knowledge and corporate records maintained by Apple in the ordinary course of business. If called upon to do so, I could and would testify thereto under oath.

2. The information redacted from the documents entitled "iTunes Music Store Business P&L" includes revenues and cost data from various aspects of the business, including, among other things, sales support costs, content storage and delivery costs, credit card fees, royalties, personnel costs and application development costs, spanning 14 quarters over nearly four years. The data underlying the P&L statement does not exist in any formal report or "document." Instead, it is pulled from Apple's systems by various personnel. The older data are archived. To provide the data "used in the production of" the P&L statement, it would have to be re-run from the system, some of which is archived, and re-analyzed. If one person who is experienced with the system worked on this effort full-time without doing any business-related work for Apple, it would likely take approximately six weeks to pull the information. Because this would disrupt Apple's business, a more reasonable estimate is three to four months for personnel working part-time to gather the information.

I declare under penalty of perjury under the laws of the United States and California that the foregoing is true and correct. Executed this 21st day of December, 2007.

By: Steven Leung
Steven Leung

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